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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/825,817

04/16/2004

Robert W. Roldan

2003P14527US

8690

7590

03/20/2006

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

SHECHTMAN, SEAN P

ART UNIT

PAPER NUMBER

2125

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/825,817

Applicant(s)

ROLDAN, ROBERT W.

Examiner

Sean P. Shechtman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claim 1-32 are presented for examination. Claim 6 has been amended. Claim 32 has been added.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-4, 10-14, 17, 20, 27, 30, 31, 32 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,963,920 to Rose et al (hereinafter referred to as Rose).

Referring to claims 1, 11, 17, 20, Rose teaches a system and method for automated replenishment notification for manufacturing pieces (whole document), the system and method comprising:

a plurality of gravity feed racks with manufacturing pieces positioned thereon (See cover figure);

(b) sensors adjacent to the gravity feed racks, the sensors positioned to sense a presence of manufacturing pieces on the gravity feed racks (Abstract; cover figure; Col. 4, lines 8-24; element 38); and

(c) a first processor connected with the sensors (Col. 5, lines 21-30), the first processor operable to automatically generate and send an electronic order to a supplier of manufacturing pieces in response to a signal from the sensors indicating a lack of the manufacturing piece and operable to communicate the order to a second processor (Col. 5, lines 30-64);

wherein there are plural racks (cover figure); and a computer generates orders, independently, for respective types of items on different racks when the racks that have said components need to be replenished (Col. 3, lines 51 – Col. 4, line 8).

Referring to claim 2, Rose teaches the method of claim 1, comprising positioning a plurality of containers each having a plurality of manufacturing pieces and wherein (b) comprises sensing removal of a container (Col. 3, lines 62-63).

Referring to claim 3, Rose teaches the method of Claim 1 wherein (b) comprises sensing when a position along the gravity feed rack is free of manufacturing pieces (Col. 4, lines 8-57).

Referring to claims 4, 14, Rose teaches the method of Claim 1 wherein (b) comprises sensing with a spring activated mechanical switch (element 38; Col. 4, lines 8-24).

Referring to claim 10, Rose teaches the method of Claim 1 wherein (a) comprises positioning a plurality of the manufacturing pieces to sequentially feed to a lower position on the gravity feed rack and wherein (b) comprises sensing at a position higher than the lower position on the gravity feed rack (Col. 4, lines 8 – Col. 5, line 20).

Referring to claim 12, Rose teaches the gravity feed rack comprises a plurality of rollers, the sensor positioned between two to of the plurality of rollers (element 38; See cover figure, rollers are elements 32).

Referring to claims 13, Rose teaches a system of Claim 11, wherein the sensor is positioned to sense at a location along the gravity feed rack such that the lack of the manufacturing piece is sensed while another manufacturing piece is present below the location (See the cover figure; Col. 4, lines 26-57).

Referring to claim 27, Rose teaches (b) and (c) are tracked (Col. 6, lines 33-42).

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Referring to claim 30, Rose teaches setting a priority level for the electronic notification based in part on said time period (Col. 6, lines 14 -21).

Referring to claim 31, Rose teaches the system is a demand pull system (Col. 6, line 61 – Col. 7, line 12).

Referring to claim 32, Rose teaches automatically sending the order comprising placing an order with the supplier to replenish the removed manufacturing pieces (Abstract; Col. 2, lines 39-50; Col. 1, lines 25-32; Col. 6, lines 14-42).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 5, 15, 18, 29, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,963,920 to Rose as applied to claims 1-4, 10-14, 17, 20, 27, 30, 31, 32 above, and further in view of U.S. Pat. No. 6,341,271 to Salvo (supplied by applicant).

Referring to claims 5, 15, 18, 29, Rose teaches all the limitations disclosed above, and Rose teaches transmitting to order to a supplier via a modem (Col. 5, lines 38-49), however, Rose fails to teach wirelessly sending first and second e-mails, respectively, to first and second suppliers, respectively, the first supplier different than the second supplier, (d) and (e) performed without user activation of the sending.

However, referring to claims 5, 15, 18, 29, Salvo teaches analogous art, wherein order are placed automatically for suppliers by wirelessly sending e-mails, respectively, to suppliers, respectively, the suppliers being different, (d) and (e) performed without user activation of the sending (Abstract, lines 10-12; Col. 15, lines 23-25; Col. 16, lines 1-4; Col. 5, lines 11-20).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the teachings Rose with the teachings of Salvo. One of ordinary skill in the art would have been motivated to combine these references because Salvo teaches a network based inventory management and vendor-managed inventory system and method wherein information concerning inventory amounts and inventory ordering are provided to a manufacturing site and an inventory vendor, thereby permitting monitoring and determining, in real-time, of the inventory status of receptacles, along with automatic ordering of inventory to replenish the receptacles at a low price and purchasing of the inventory at a lowest price (Col. 3, lines 42-62; Col. 2, lines 57-61). Salvo provides numerous advantages of the system, such as, historical analysis of inventory use, evaluation of inventory use, automation and suggestions for a vendor's manufacturing schedule, prediction of future inventory usage, lot identification, forecasting based on trends and economic indicators, automatic notification of inventory occurrences that require attention, and automatic inventory ordering (Col. 3, lines 42-62).

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,963,920 to Rose as applied to claims 1-4, 10-14, 17, 20, 27, 30, 31, 32 above, and further in view of U.S. Pat. No. 6,785,718 to Hancock.

Referring to claim 6, Rose teaches automatically sending an order for more manufacturing pieces (Abstract).

Referring to claim 6, Rose teaches all the limitations set forth above, however, Rose fails to teach sending a copy of the order to *at least* two different processors not at the supplier.

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However, referring to claim 6, Hancock teaches analogous art comprising: automatically sending an order for more manufacturing pieces; further comprising: (d) sending a copy of the order to *at least* two different processors not at the supplier (Col. 20, line 64 – Col. 24, lines 17 and Figs. 10A-10E and 11A-11C).

Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the teachings of Rose with the teachings of Hancock. One of ordinary skill in the art would have been motivated to combine these references because Hancock teaches an interface that permits users involved in the distribution chain to track the status of the shipments without having to enter tracking codes that are unique to individual carriers. Furthermore, Hancock teaches the interface allows a user to access multiple "levels" of information regarding a shipment, including information pertaining to an individual product within a shipment containing multiple products. Furthermore, Hancock teaches the interface allows a user to change the priority status associated with particular products that have already been presented for shipment. Furthermore, Hancock teaches the interface provides different "views" for use by different respective users, wherein each of the views provides a corresponding different set of tools for use in interacting with the freight managing service (Abstract).

5. Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,963,920 to Rose in view of U.S. Pat. No. 6,813,540 to Scotti. Claims 5, 7-9, 15, 16, 18, 19, 28, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,963,920 to Rose as applied to claims 1-4, 10-14, 17, 20, 27, 30, 31, 32 above, and further in view of U.S. Pat. No. 6,813,540 to Scotti.

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Referring to claims 21 and 25, Rose teaches a system and method for automated replenishment notification for manufacturing pieces, the system and method comprising:

a plurality of gravity feed racks with manufacturing pieces positioned thereon (See cover figure);

(b) sensors adjacent to the gravity feed racks, the sensors positioned to sense a presence of manufacturing pieces on the gravity feed racks (Abstract; cover figure; Col. 4, lines 8-24; element 38); and

(c) a first processor connected with the sensors (Col. 5, lines 21-30), the first processor operable to automatically generate and send an electronic order to a supplier of manufacturing pieces in response to a signal from the sensors indicating a lack of the manufacturing piece and operable to communicate the order to a second processor (Col. 5, lines 30-64);

wherein there are plural racks (cover figure); and a computer generates orders, independently, for respective types of items on different racks when the racks that have said components need to be replenished (Col. 3, lines 51 – Col. 4, line 8).

Referring to claims 7, 9, 16, 19, 21, 25, 28, Rose teaches all the limitations set forth above, however, Rose fails to teach the processor is operable to sense a lack of replacement of the manufacturing piece after a time period in response to the sensor and operable to generate a reminder notification in response to the lack of replacement.

Referring to claims 5, 8, 15, 18, 22-24, Rose teaches all the limitations set forth above, however, Rose fails to teach the replenishment notification via email, sending a copy of an order to at least one of a purchaser, a manufacturing supervisor, and a warehouse person.

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However, referring to claims 7, 9, 16, 19, 21, 25, 28, Scotti teaches analogous art, wherein a computer communicates replenishment notification to another processor (Col. 8, lines 17-34), and the computer is operable to sense a lack of replacement of the manufacturing piece after a time period in response to the sensor and operable to generate a reminder notification in response to the lack of replacement (Col. 7, lines 29-64).

Referring to claims 5, 8, 15, 18, 22-24, Scotti teaches the replenishment notification via email, sending a copy of an order to at least one of a purchaser, a manufacturing supervisor, and a warehouse person (Col. 6, lines 1-17; Col. 7, lines 52-55; Col. 8, lines 17-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the teachings of Rose with the teachings of Scotti. One of ordinary skill in the art would have been motivated to combine these references because Scotti teaches a system and method that provides for managing material into an assembly area based on actual demand of the material, such that as the need for specific parts or materials for the assembly process increased or decreases, so will the number or amount of material delivered by the supplier (Col. 8, lines 10-43).

6. Claims 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,963,920 to Rose in view of U.S. Pat. No. 6,813,540 to Scotti, as applied to claim 25 above, and further in view of U.S. Pat. No. 5,963,920 to Rose in view of U.S. Pat. No. 6,813,540 to Scotti.

Referring to claim 26, Rose teaches all the limitations set forth above, however, Rose fails to teach a first copy to a purchaser and a notification is a reminder to the supplier with a second copy to the purchaser.

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However, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to have a purchaser get copies so the purchaser would not have to remember how many items to purchase.

However, Scotti teaches analogous art, wherein the notification is a reminder to the supplier (Col. 7, lines 29-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the teachings of Rose with the teachings of Scotti. One of ordinary skill in the art would have been motivated to combine these references because Scotti teaches a system and method that provides for managing material into an assembly area based on actual demand of the material, such that as the need for specific parts or materials for the assembly process increased or decreases, so will the number or amount of material delivered by the supplier (Col. 8, lines 10-43).

Response to Arguments

Applicant's arguments filed January 10th 2006 have been fully considered but they are not persuasive.

7. Applicant argues that Rose does not teach an order. The examiner respectfully disagrees.

The examiner has reviewed and reconsidered the instant specification and claims.

Paragraph 27 of the instant specification states:

“[0027] The processor 18 communicates with one or more other processors 20, 22 and 24. The other processors 20, 22 or 24 are personal computers, servers or other processors used within the same manufacturing facility or remote from the manufacturing facility. For example, the processor 20 is a supplier's server or personal computer on a network connected through the Internet, through a telephone link or other route to the processor 18. When a lack of manufacturing pieces is sensed, an e-mail order is automatically placed with the supplier without user activation of sending the order. ***Alternatively, the notification merely informs the supplier that an order may be pending or requests that the supplier contact the manufacturer to discuss***

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an order. As another example, the processor 22 is a personal computer or other computer operated by a purchaser of the manufacturer for monitoring orders, controlling inventory or other activities. As yet another example, the processor 24 is a computer accessed by a manufacturing supervisor. The manufacturing supervisor can then plan manufacturing activities, such as which products to be made in a particular line, based on available inventory as communicated automatically by the processor 18. The other processors 20, 22, 24 are connected through the Internet, an intranet, a direct connection, a modem connection, a wireless connection, combinations thereof or other now known or later developed communication structures and associated protocols. Other processors and associated individuals may be notified, such as buyers and accounts payable.”

The examiner respectfully submits that, one of ordinary skill in the art, would consider the terms “order” and “notification” independently. Clearly, an order can be one type of notification. Other types of notification can include informing the supplier that an order may be pending or requesting that the supplier contact the manufacturer to discuss an order.

The examiner respectfully submits that the term “order” can be interpreted to mean a command or request for something. The examiner respectfully submits that the term “order” (particularly in the art of manufacturing and/or inventory management where and/or when items are ordered because they are needed) can be interpreted to mean a need that is conveyed to someone or something for the purposes of fulfilling the need.

The examiner has reviewed and reconsidered the Rose reference. Rose teaches maintaining low adequate levels of inventory without personnel of the customer or supplier being required to check the stock levels at the site of the customers plant (Col. 2, lines 39-50) so ordering can be done only when a part is in short supply (Col. 1, lines 25-32), by generating information and transmitting information to a supplier that indicates rows that are red identifying that rows are empty or nearly empty and a situation of short supply, information that indicates the number of boxes needed to be shipped to replenish the rows, information that indicates which parts are used most quickly and need to be supplied at frequent intervals (Col. 6, lines 14-42).

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The examiner respectfully submits that applicant's arguments would be persuasive if the Rose reference only taught that information was displayed to a supplier. Then, one of ordinary skill in the art might speculate that such information could be considered information for informing the supplier that an order may be pending or requesting that the supplier contact the manufacturer to discuss an order. But the Rose reference clearly teaches that "the supplier can respond by shipping parts that are indicated to be in short supply" (See the last two lines of the abstract). Therefore, the Rose reference clearly anticipates that the *supplier does respond* by shipping parts that are indicated to be in short supply.

Thus, the examiner respectfully submits that the need (the short supply) and the conveyance (the transmission) for the purpose of fulfilling the need (the shipping), are all clearly taught by the Rose reference, and therefore the Rose reference clearly does anticipate an order.

8. Applicant argues that Rose does not teach an order to send to another processor or supplier. The examiner respectfully disagrees.

The examiner respectfully submits that maintaining low adequate levels of inventory without personnel of the customer or supplier being required to check the stock levels at the site of the customers plant (Col. 2, lines 39-50) so ordering can be done only when a part is in short supply (Col. 1, lines 25-32), by generating information and transmitting information to a supplier that indicates rows that are red identifying that rows are empty or nearly empty and a situation of short supply, information that indicates the number of boxes needed to be shipped to replenish the rows, information that indicates which parts are used most quickly and need to be supplied at frequent intervals (Col. 6, lines 14-42), is automatically generating and sending an electronic order to a supplier or another processor.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

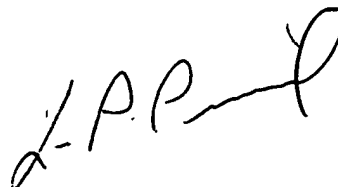
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean P. Shechtman whose telephone number is (571) 272-3754. The examiner can normally be reached on 9:30am-6:00pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "L. P. Picard", written in a cursive style.

SPS

Sean P. Shechtman

March 15, 2006

**LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**